



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 23, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:01 p.m.

The following were present:

- Mayor Billy Bain
- Vice Mayor Xavier Garcia*
- Councilman Bob Best
- Councilman Paul C. Dotson
- Councilman Rob Youngs

* Arrived at 7:13 p.m.

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police H. Randall Dilling
- Finance Director Leacroft E. Robinson
- City Planner Richard E. Ventura
- City Clerk Magalí Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificate of Appreciation to IHOP (International House of Pancakes) – Miami Springs Education Partner of the Year for 2007/2008

Chair of the Education Advisory Board Mindy McNichols stated that the Board instituted this award to honor business partners in Miami Springs for the contributions that they have made to the local schools.

Ms. McNichols explained that IHOP (International House of Pancakes) was chosen because of the restaurant manager's contributions to Springview Elementary and Miami Springs Middle School by donating breakfast for Teacher Appreciation Week.

Mayor Bain presented a Certificate of Sincere Appreciation to Luis Monsalve, Manager of the IHOP Restaurant, in recognition of their interest in education and the local Miami Springs' schools.

Mayor Bain also presented a Certificate of Sincere Appreciation to Robert Kalinsky, Administrative Director, Regional Center III, Miami-Dade County Public Schools in grateful recognition of his outstanding dedication and commitment to education and for the excellent working relationship established with the City Officials, the Education Advisory Board and the Miami Springs' schools.

The Mayor explained that he had planned to present an award for Region Superintendent George Núñez who was unable to attend. His original intent was to present the awards at the June 17th Education Advisory Board meeting which was not possible.

Mayor Bain thanked Mr. Kalinsky for always keeping him informed on educational issues, which helped him to make proper decisions.

Mr. Kalinsky said that it had been a delight and pleasure working in the community for the last six years. He stated that there was a tremendous partnership that resulted in great things for the students in the community, including the reduction of the student population at Miami Springs Senior High.

Mr. Kalinsky stated that Dr. Pace will be the new Area Superintendent who brings with her two of the best Directors, Mr. George Garcia and Ms. Vivian Pardo.

3B) Officer of the Month Award – May 2008 – Officer Ramón A. Tamargo

Chief of Police H. Randall Dilling presented the Officer of the Month Award for May 2008 to Officer Ramón A. Tamargo who was nominated by Sergeant David Bechler for his skills and persistence which initiated several criminal investigations. He summarized the memorandum from Sergeant Bechler explaining Officer Tamargo's outstanding performance while working uniform patrol duty, bike patrol and foot patrol.

Officer Tamargo introduced his family and thanked the Mayor, Council and Chief Dilling.

4. Open Forum:

No speakers.

(Agenda Item 10A discussed at this time.)

<p>Recess: 7:34 p.m. Council met in Executive Session</p>

(Council meeting reconvened at 8:58 p.m.)

5. Approval of Council Minutes:

5A) 05/28/2008 – Regular Meeting

Minutes of the May 28, 2008 Regular Meeting were approved as written.

Councilman Dotson moved the item. Vice Mayor Garcia seconded the motion which was carried 4-0 on roll call vote (Councilman Best was absent at roll call).

6. Reports from Boards & Commissions:

6A) 05/01/2008 – Police Officers and Firefighters' Retirement System – Minutes

Minutes of the May 1, 2008 Police Officers and Firefighters' Retirement System meeting were received for information.

6B) 05/01/2008 – General Employees' Retirement System – Minutes

Minutes of the May 1, 2008 General Employees' Retirement System meeting were received for information.

Councilman Dotson commented that the first line of the Police and Firefighter's Retirement System minutes read: "The regular meeting of the Board of Trustees of the City of Miami Springs General Employees' Retirement System" and it should be "Police and Firefighters". Also, Ms. Bowein is shown as being absent at the General Employees' Retirement System meeting and the minutes indicate that she seconded a motion.

City Manager Borgmann offered to follow up on the corrections with The Pension Resource Center.

6C) 05/28/2008 – Board of Appeals – Minutes

Minutes of the May 28, 2008 Board of Appeals meeting were received for information without comment.

6D) 06/04/2008 – Architectural Review Board - Minutes

Minutes of the June 4, 2008 Architectural Review Board meeting were received for information without comment.

6E) 06/10/2008 – Code Enforcement Board – Minutes

Minutes of the June 10, 2008 Code Enforcement Board meeting were received for information without comment.

6F) 06/10/2008 – Recreation Commission – Minutes

Minutes of the June 10, 2008 Recreation Commission meeting were received for information without comment.

6G) 06/11/2008 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the June 11, 2008 Golf and Country Club Advisory Board meeting was received for information without comment.

6H) 06/17/2008 – Education Advisory Board – Cancellation Notice

Cancellation Notice of the June 17, 2008 Education Advisory Board meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda:

None.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

No appointments were made.

9B) Bank Loan Funding for the New Community Center Project

Michael Gavila of 684 Morningside Drive was of the opinion that the Community Center should be financed with a bank loan that would not require a vote of the people.

Finance Director Leacroft E. Robinson stated that he prepared a summary report of the three proposals from SunTrust, Colonial Bank and Wachovia related to the loan funding for the Recreation/Community Center project.

Finance Director Robinson explained that the first proposal from SunTrust Bank was dated May 20, 2008 and a revised proposal was received on Friday, June 20th, which has an updated rate and the annual debt service based on a \$2.5 million loan. There are no prepayment penalties or commitment fees and the pledge of the City's half-cent sales tax is the security. The closing fees are \$5,000.

To answer Councilman Youngs' question, Mr. Robinson clarified that the annual revenue from the half-cent sales tax is close to \$900,000.

Councilman Dotson asked if there is protection in case of a default.

Finance Director Robinson responded that Colonial Bank is asking for a mortgage against the property, and the other two loans do not ask for a mortgage, but they mention remedies in case of a default. Wachovia Bank has a prepayment penalty, while the other two banks do not require it.

The revised proposal from SunTrust is a \$2.5 million tax exempt loan maturing in 20 years for the purpose of building a Recreation Center and the undertaking of some improvement work at City Hall, according to Mr. Robinson. Interest-only payments will be due during the first twelve months of the facility starting October 1, 2008. Principal and interest payments will be due on a monthly basis thereafter, payable October 1, 2009 and each month thereafter.

Discussion ensued regarding the terms of the SunTrust loan. Finance Director Robinson confirmed that the funds would be received up front, although there are some arbitrage issues. Construction must be completed in 24-months and there are IRS guidelines and exemptions.

Councilman Dotson asked what would be the real interest rate on the entire loan if there are interest only payments for the first twelve months.

Finance Director Robinson responded that the effective rates overall would be slightly higher on all three proposals. He added that closing fees shall not exceed \$7,500.

Councilman Youngs asked if it is standard for municipal loans to adjust the rate to correspond if the tax rate changes on the lender.

Mr. Robinson explained that they are tax exempt loans and the rates are based on locking in certain tax incentives.

Finance Director Robinson stated that the Colonial Bank proposal included a few items that were contradictory. First, the term on page two is fifteen years from date of note and there are three options that do not correspond with what the City requested, which was a ten and twenty year amortization schedule. The first two options are for adjustments for five and seven years and the third option is a fixed rate for ten years, which means it would be subject to the market rates after that point. They also indicated a first mortgage would be required on the new facility as collateral in addition to pledging the half-cent sales tax. The last page of the proposal indicates the City of West Miami.

The Wachovia proposal offers the option of a ten-year and twenty-year amortization with the following options: 1A) Bank Qualified Fixed Rate of 4.50% for a ten year US Dollar Swap Offering Rate of 4.80% minus 30 basis points, and Option 1B) Bank Qualified Fixed Rate of 4.70% for ten years. The fixed rate is an indication rate subject to changes based on market conditions. The rate approximates the 10 year US Dollar Swap Offering Rate, currently 4.80% minus 10 basis points.

Finance Director Robinson explained that the difference between Options 1A and 1B is basically a pre-payment. Options 2A and 2B are based on the twenty-year maturity. Option 2B gives the ability to repay principal without any pre-payment penalties, but they are on fixed payment dates.

Finance Director Robinson stated that the summary sheet compares all three loans and the key points of each proposal are highlighted in yellow, including interest rates, estimated annual debt service based on \$2.5 million and the estimated total interest expense over the life of the loan.

Councilman Youngs commented that the 4.47% interest rate for SunTrust should be revised to reflect 4.72%.

Finance Director Robinson stated that Councilman Youngs was correct. The bottom line based on \$2.5 million at 4.72% would change to \$199,523 for annual debt service. The estimated total interest expense would change to approximately \$1,291,000. SunTrust is lower as far as the annual debt service and total interest expense over the life of the loan. He indicated that the Federal Reserve Published Interest rate swap on June 13th was 4.8%, which is being discounted by SunTrust, whereas Colonial and Wachovia have added a significant spread to the rate.

In addition, for comparative purposes, the Bond Buyer Index, GO, 20 years to maturity, mixed quality at June 13th was 4.5%, according to Mr. Robinson.

To answer the Mayor's question, Mr. Robinson verified that the SunTrust proposal does not include a pre-payment penalty and it would be better to pay off the note prior to twenty years in order to reduce the interest expense.

Councilman Youngs asked how much the annual debt service would be for a ten-year loan with SunTrust. He recalled that the numbers were presented at a previous meeting.

Finance Director Robinson clarified that he presented the numbers for a ten-year \$3.5 million loan and subsequently the amount of the loan was reduced to \$2.5 million. On May 21, 2008, the estimated annual payments were \$305,163 for 120 months at 4.1%, \$189,795 for 240 months at 4.5% and \$156,494 for 360 months at 4.75%.

Councilman Dotson was disappointed that no information was presented on a bond proposal because Council had requested a comprehensive set of proposals at the May 28th meeting. He informed Council that he contacted Melanie Gillespie regarding the Florida Loan Council about a bond proposal that might be generated for the City to consider and she indicated that they could offer a lower interest rate than 4.47% and she sent the proposal to the Credit Review Committee. Since the City is rated BBB+, they must determine if the City is financially qualified, but he did not hear from her.

City Manager Borgmann said that approximately three weeks ago, Ms. Gillespie indicated to him that they were putting all loans on hold because of the bond insurance market and because the City might not qualify for the insurance.

Councilman Dotson explained that Ms. Gillespie did not provide much information; she only asked for the competitive interest rate. He reiterated that she was going to check with the Credit Review Committee. He would like to include this option as a consideration before making a financing decision.

Finance Director Robinson stated that the 10-year Federal Reserve Published Interest rate swap was 4.86% as of Friday, June 20th and the Local Bond Index was 4.76%, which is probably based on AA ratings.

Councilman Dotson asked the City Manager to follow up with Ms. Gillespie. He said that she was encouraging to him when he first spoke with her and it is frustrating that a definitive answer was not received.

Mayor Bain stated that a decision should be made considering the increasing interest rates.

Finance Director Robinson confirmed that the proposals for SunTrust and Colonial expire on June 30th and the Wachovia offer expires on June 26th. He explained that the SunTrust rate would be based on the rate two days prior to closing.

Councilman Dotson said that he appreciated the information provided by the City Attorney regarding methods of municipal borrowing. He was of the opinion that a bank loan would be the same as a term note. The definition of a constitutional bond is: *“a term bond includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates or other obligations or evidences of indebtedness of any type or character.”*

Councilman Dotson stated that the definition of a general obligation bond is: *“bonds which are secured by or provide for their payment by the pledge in addition to those special taxes levied for their discharge in such other sources as may be provided for their payment or pledge as security under the ordinance or resolution authorizing their issuance of the full faith and credit taxing power of the municipality and for payment of which recourse may be had against the general fund of the municipality.”* His question is whether or not term loans are bonds as far as the definition is concerned.

City Attorney Seiden responded that all borrowing by municipalities would be considered as a bond.

Councilman Dotson stated that the half-cent sales tax is proposed as security. A new tax assessment like a franchise or security tax could reasonably be dedicated to secure a loan, but there is already a level of sales tax receipts that is allocated to cover expenses in previous budget years. He questions whether or not this additional burden would require an increase in ad valorem taxes for the City to properly operate next fiscal year.

Councilman Dotson would like to determine the budget numbers for next year before a decision is made and he felt that an expenditure of this size should generate a vote of the people because it will require some increase in taxes.

Mayor Bain asked for an explanation of what the half-cent sales tax covers in the annual budget and if there is normally a surplus of funds.

City Manager Borgmann stated that the half-cent sales tax is one part of the pooled resources in the General Fund, which has surplus funds each year.

Councilman Dotson commented that the State mandated reductions and the increase in the amount of Homestead Exemption would affect the surplus, which means a loss of \$500,000. He said that there might be a struggle to meet the upcoming budget and the additional expense would mean an increase in taxes to cover the loan.

Finance Director Robinson explained that he would be prepared to discuss the budget numbers after he receives the valuation assessments on July 1st.

Councilman Dotson reiterated that he would like to know what funds are available before making a decision. The annual half-cent sales tax revenue totaling approximately \$900,000 is pooled in the General Fund to cover all the expenses of the City, it is not designated for any particular expense.

Councilman Youngs stated that the difference from the current and upcoming budget is going to be at least \$400,000 to \$500,000 based on the increase in Homestead Exemption, and the loan proposal would add another \$275,000 to \$300,000 for annual debt service. This would mean an additional obligation of approximately one mill when considering the millage rate.

Councilman Youngs added that in past years there had been a surplus of \$900,000 due to actual expenditures running below budgeted expenditures. He asked what amount of surplus was projected for the first half of the current year.

Finance Director Robinson responded that the annual projection is a \$781,775 surplus based on the expenditures through mid year.

Mayor Bain stated that the proposal is for a state of the art community center that would serve the entire community for the next fifty to sixty years. The facility will serve the kids that need a place to play, including a performing arts theatre, which will add pride to the community, as well as value to the housing market. He felt that the funds would be well spent.

To answer the Mayor's question, City Manager Borgmann confirmed that \$1.5 million is allocated from the County General Obligation Bond, as well as a pledge of \$1 million from Commissioner Sosa. The City received \$99,000 from the Federal government, Council allocated \$500,000 at the last meeting, and the \$250,000 is allocated in the State budget, which totals approximately \$3.85 million. The bid amount is roughly \$5.8 million with a contingency of \$120,000, plus additional monies and subtracting the \$3.85 million leaves a balance of \$2.55 million.

City Manager Borgmann explained that the Florida League of Cities indicated that the insurers had backed out, which hurts the availability of the loans, but the representative indicated that there were private placement loans for twenty years in the 4-5% range.

City Manager Borgmann requested direction from Council that if the bond pool from the Florida League of Cities can beat the SunTrust offer, to proceed in that direction, or if it is higher to proceed with one of the three proposed bank loans. He stated that Council would not be approving any amount at this time, only authorizing the Administration to finalize the paperwork that would come back to Council for approval.

Councilman Youngs said that he is concerned whether or not the City can afford the additional expense in next year's budget. It has been demonstrated in years past that less funds are spent than the amount budgeted, even this year in a tight budget with a projection of \$781,000. He reiterated that the budget would be even tighter next year based on the change in the Homestead Exemption, which could amount to \$500,000, plus \$275,000 in proposed debt service, which would total \$775,000.

Councilman Youngs stated that there is a possibility that the project is affordable within the existing budget framework without raising taxes. He would like to see a rough budget that confirms if this would be the case, considering the time sensitive proposals from Link and the banks.

City Manager Borgmann clarified that the annual debt service for twenty years would be less than \$200,000 for \$2.5 million. He added that another consideration is that Council left \$1.5 million in reserve after allocating \$500,000 for the community center.

Mayor Bain asked it would be possible to provide additional budget information for the June 30, 2008 Special meeting.

Finance Director Robinson stated that he would be working to finalize the operating budgets with the Department Heads and it would be difficult to focus on the revenue side. There are some estimates at this point and he expects the DR-420 on Tuesday, July 1st with the actual valuations.

Mayor Bain would like to move forward because he feels confident about the proposal.

Councilman Youngs said that he would like secure knowledge that financing is possible in next year's budget without a tax increase before making a commitment for financing or a commitment with the construction firm. The decision to go ahead with the project based on a certain level of tax increase should be made in advance of making a commitment.

City Manager Borgmann stated that the Florida League of Cities loan did not indicate any additional fees.

Councilman Dotson would like to receive notice from the Florida League of Cities in order to be able to make a comparison with the three bank loans.

Councilman Youngs said that Council should hear from the Finance Director and City Manager that next year's budget would be able to carry the financing charges without increasing taxes.

Councilman Best agreed that Council would like to know whether or not next year's budget could support the financing charges without a tax increase. However, Council has succeeded in reducing the millage rate for the last three consecutive years and ended up with a surplus.

Councilman Youngs added that the Golf Course suffered losses in excess of the proposed estimated annual debt service, and this was done based on the importance of the asset. He would like to make it a conscious decision based upon the input from the Finance Director and City Manager as to whether or not the City can afford to take the hit from the raised Homestead Exemption without raising the tax rate.

City Attorney Jan K. Seiden reported that the second meeting had not been held with Link because Lemartec is still protesting the award and they may want to appear before Council in regard to whatever issues they may have. He would not discourage the financing plans, but Council must be aware of what is going on. He asked if Council is discounting Councilman Dotson's earlier comment about having a vote of the people.

City Attorney Seiden clarified that Council could put the issue to a vote of the people, but he does not believe that it is a requirement based on the parameters of the law.

Councilman Dotson felt that the citizens should have the chance to vote, but that is up to the majority of the Council.

To answer Councilman Youngs' question, City Attorney Seiden stated that there is no procedure for a bid protest, because this had never happened before. He was of the opinion that there is probably no chance for Lemartec to win a protest, which would make the City disqualify all bids and re-bid the project. There is really only one argument, which he does not think is valid. The fact that they only bid one form of construction settles the issue, because Council has the discretion to choose between the two types of construction and Lemartec could have offered bids on both types.

Attorney Seiden stated that the last chance for Lemartec is from a legal perspective. He told them there is no protest procedure, but they still might want to appear before Council and since Council will recess in July, they were offered to come to the meeting on June 30th, but their representatives are unavailable for that date. There will be future meetings with Link to develop a contract and the most effective remedy for Lemartec against the City would be to file a lawsuit with an injunction to prohibit the signing of the contract.

To answer Councilman Best's question, City Attorney Seiden stated that the best that Lemartec can hope for is to force the City to re-bid the job.

Councilman Best moved to direct the City Manager to move forward to negotiate with SunTrust and Vice Mayor Garcia seconded the motion.

City Attorney Seiden stated that Council had discussed the loan alternative with the Florida League of Cities and the City Manager was going to check to see if this was an option. He asked if the motion would be to include or exclude that option.

Councilman Best stated that his motion would be to include the loan option with the Florida League of Cities and for the Administration to report back for to Council at the June 30, 2008 Special meeting.

Councilman Best amended his motion, which was seconded by Vice Mayor Garcia.

Councilman Youngs asked if the Administration would have any idea of what the upcoming budget would look like before June 30th.

City Manager Borgmann reported that he would be working on annexation to get ready for the meeting and the Finance Director is actively working on the proposed budget.

Finance Director Robinson clarified that today was the deadline for the Department Directors to submit their expenditures for the upcoming budget and he will be reviewing their submissions over the next several days. He will also be wrapping up the salaries and employee benefits, which is a significant piece of the operating budget, before moving to the revenue projections.

Councilman Youngs stated that he favors the SunTrust proposal and would like the comparison with the Florida League of Cities option, but he would vote against the motion until he receives an answer as to what effect the debt service would have on the budget for next year.

Attorney Seiden explained that the motion is not for final action, only to further explore the option and come back with a recommendation by June 30th.

The City Clerk clarified that the motion is to permit the City Manager to go forward with negotiations with SunTrust and to explore other alternatives of the Florida League of Cities and report back to Council at the Special meeting on Monday, June 30th.

The motion was unanimously carried on roll call vote.

Councilman Dotson asked if it would be possible for Council to receive the tentative budget prior to the Special Meeting on July 24, 2008.

The City Manager said that the Administration would do their best to provide as much information as possible prior to that meeting.

10. New Business:

10A) Recommendation that Council Review and Approve the Education Compact Between the City of Miami Springs and Miami-Dade County Public Schools

City Manager Borgmann stated that he was approached by two acquaintances who work for the Miami-Dade County School Board who encouraged the City to enter into a Compact, which is a new concept for the purpose of forming alliances between the Board and the City to work together to effect positive changes in local schools.

City Manager Borgmann explained that a meeting was held in late 2007 with School Board representatives to review the sample Compact with the City of Coral Gables and discuss the possibilities for Miami Springs. The School Board Staff went back with the information and prepared a draft Compact, which the Education Advisory Board and Councilman Youngs have been working on since February 2008.

Councilman Youngs stated that the Compact is a result of the work of the School Board Staff and the Education Advisory Board. He said that it is a wonderful effort and he appreciates all the work everyone has done.

Education Advisory Board Chair Mindy McNichols stated that the Board had established a great relationship with the School District over the last seven years, and the Compact will take the relationship to the next level. The Board looked at the compacts for Doral, Hialeah, Miami Beach, and the City of Miami and incorporated ideas into a Compact for Miami Springs that would be best for the City and the schools.

Ms. McNichols stated that the most important points in the Compact deal with the Middle School overcrowding, attracting and retaining high quality administrators and teachers and increasing the graduation rate at the High School. She introduced Education Advisory Board members Debra Sheridan and Libby Manning who were present.

Ms. McNichols thanked Lisa Martinez who was staff liaison with Miami-Dade County Public Schools for putting the Compact together and running the Compact by all departments within the School System. She also introduced Iraida Mendez-Cartaya.

Iraida Mendez-Cartaya, Administrative Director for Miami-Dade County Public Schools, stated that the Education Compact codifies what the Education Advisory Board and the School District have done in the past and sets a plan and goals for the future for a partnership between the School Board and the City. The Compact is based on specific needs of the community.

Ms. Mendez-Cartaya explained that District and City Staff met to discuss how they could join resources and collaborate in order to provide more for the community. The Compact focuses on the areas of student achievement, adult education and parental activities and community involvement. Additionally, it sets out major activities and intended outcomes in order to bring opportunity to the students and the community through new and innovative ways.

Ms. Mendez-Cartaya stated that her associate in the Office of Intergovernmental Affairs, Lisa Martinez, had worked very closely with District Staff and City Manager Borgmann, Debra Sheridan and the Education Advisory Board (EAB). The EAB is a committed group that is focused on advocacy for the City's youth and their education.

On behalf of the School Board of Miami-Dade and the Superintendent, she thanked the entire Council, especially Councilman Youngs and City Manager Borgmann for their thoughts on the City's needs, as well as Education Advisory Board member Debra Sheridan who worked closely with Lisa Martinez on the logistical details of the Compact.

Ms. Mendez-Cartaya invited everyone to the School Board Meeting on Tuesday, July 15th when the Compact will be presented to the Board. She said that she looks forward on working to enhance the current partnership and proceed even further with the Education Compact.

Councilman Dotson complimented everyone involved in the preparation of the Compact, which seems very ambitious, but encouraging to know that people can work together to make progress in areas that have been difficult to progress in before. He commented that some points in the Compact seem general, especially the measures that are followed to verify if progress has been made.

Councilman Dotson addressed the need for community retention of high quality administrators and teachers and asked how this could be accomplished.

Ms. Mendez-Cartaya responded that there are certain incentives, not only monetary, that can be provided to the teachers as an incentive to stay in the schools. She explained that this incentive had worked successfully in the City of Miami Beach. Due to budgetary restraints and declining enrollment, the current goal is to retain quality teachers that the schools already have.

Councilman Dotson stated that he had received complaints about the lack of school security, which is not featured as a major point in the Compact, but it is a major issue for the students and parents. He is interested in the working relationship between the City Police and the School Police.

Ms. Mendez-Cartaya agreed that there were many things that could be included in the Education Compact and that the EAB had addressed the issues of priority. She explained that the Compacts are living documents between the City and School District that will evolve over time.

Ms. Mendez-Cartaya commented that security is currently being funded through the District with a formula based on the number of students and grade levels. She said that each Principal is allowed to use their own allocation to purchase additional security for the school. She clarified that security is an issue that could be added into the Compact at a later date and it can also be addressed through the Region Center.

Vice Mayor Garcia said that in regard to legislative issues it would be helpful if the Miami-Dade County School Staff could present the City with a brief overview of the important issues before the Legislative session begins in Tallahassee. He explained that when City Officials go to Tallahassee to fight for funding for special programs that they could also mention the importance of education funding to the legislators.

Councilman Youngs stated that Ms. Mendez-Cartaya had made a presentation regarding public school funding every year before the Legislative Session since the inception of the Education Advisory Board. He suggested that it might be helpful to make the presentation to Council or hold a joint meeting.

Councilman Youngs thanked Lisa Martinez and EAB members Mindy McNichols, Eduardo Molliner, Libby Manning, Maria Mitchell and particularly Debra Sheridan for hours of work on the preparation of the Compact.

City Manager Borgmann stated that there is one correction to be made, which is eliminating George T. Baker Aviation School from the Compact because the school is not within the City's boundary.

Councilman Youngs said that the School would like to have City representation at the School Board meeting when the Compact is presented on Tuesday, July 15, 2008, at 1:00 p.m. He asked if the Mayor and other Council members would join him at that meeting.

Ms. Mendez-Cartaya explained that the agenda item would be placed on the agenda to accommodate the schedules of the Mayor and Council. She said that it is an important event for the Miami-Dade County School Board.

Councilman Youngs moved to approve the Education Compact as amended. Vice Mayor Garcia seconded the motion, which was unanimously carried on roll call vote.

10B) Appointment of Official Voting Delegate to the Florida League of Cities 82nd Annual Conference which will be Held at the Tampa Convention Center/Tampa Marriott Waterside, from August 14-16, 2008

City Manager Borgmann stated that this is a request for Council to appoint an official voting delegate to the Florida League of Cities Annual Convention, which will be held in Tampa on August 14 – 16, 2008.

Councilman Best offered to be the voting delegate if Council so desires.

Vice Mayor Garcia moved to appoint Councilman Best to be the voting delegate. Councilman Dotson seconded the motion, which was unanimously carried on roll call vote.

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Reopening and Amending of the City’s Previously Awarded 2006 Emergency Hurricane Supplemental Urban and Community Forestry Grant with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry; Authorizing Proper Execution of all Required Documentation; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann stated that this is the grant the City received for \$15,000, when the application was only for \$10,000, which requires a resolution to begin the process.

To answer Councilman Dotson’s question, City Manager Borgmann stated that the number of trees would be addressed under Agenda Item 10H for the consideration of the bid. He said that there is a listing of the different types of trees that are available for \$14,000, and it covers thirty two trees.

Councilman Best moved to adopt the resolution. Vice Mayor Garcia seconded the motion, which was unanimously carried on roll call vote (Resolution No. 2008-3398).

10D) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Proper Officers, Officials and Representatives of the City to Apply for a Cultural Facilities Grant for the Purchase and Installation of Theater Light Gridwork in the Amount of \$28,200; Acknowledging and Approving the Grant Match Basis and the Dedication of Funds Required from the City; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

City Manager Borgmann stated that this is a grant application related to the new community center stage and artistic presentations. There is currently some lighting and sound equipment that can be reused and this would be supplemental.

To answer Councilman Dotson's question, City Manager Borgmann clarified that it is a 50/50 matching grant with the City matching \$28,200.

Councilman Best moved to adopt the resolution. Vice Mayor Garcia seconded the motion, which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote (Resolution No. 2008-3399).

10E) Consideration of a Request from the Florida Department of Community Affairs (DCA) to Rescind Resolution No. 2007-3382, Adopting and Incorporating into the City of Miami Springs Comprehensive Land Use Plan the Attached "Education Element", and to Approve the Transmittal of the Attached Draft "Education Element" to DCA as a Proposed Document for DCA's Objection, Recommendations, and Comments (ORC) Report Prior to Final Adoption by the City, per Section 163.3184 (3), F. S.

Resolution – A Resolution of the City Council of the City of Miami Springs Rescinding Resolution No. 2007-3382; Authorizing Submittal of the City's Proposed "Educational Element" of its Comprehensive Land Use Plan to the State of Florida, Department of Community Affairs, for review and Comment; Effective Date

City Manager Borgmann stated that this item is consideration of a request from the Florida Department of Community Affairs (DCA) to rescind Resolution No. 2007-3382, adopting and incorporating into the City's Comprehensive Land Use Plan the attached "Education Element" that was done by Miami-Dade County and to approve the transmittal of the attached draft "Education Element" to DCA as a proposed document for DCA's objection, recommendations, and comments (ORC) Report prior to final adoption by the City.

City Manager Borgmann explained that the City adopted the County's language and then the County decided not to adopt theirs, which means the City's document is meaningless at this point. This item and the following resolution address both issues.

City Planner Richard E. Ventura stated that the Miami-Dade County School Board drafted one Educational Element on behalf of the twenty-three non-exempt municipalities in the County in order to fulfill the requirement. It was distributed to the municipalities for transmittal and review by the Department of Community Affairs (DCA) and brought back to the various municipalities for adoption.

City Planner Ventura explained that a letter dated April 18, 2008 from DCA goes into detail about the process. A letter dated June 4, 2008 states that the Interlocal Agreement accompanying the Education Element met the minimum requirements of Florida Statute Section 163.31777 (2). They are satisfied with the Interlocal Agreement, but they are asking to rescind the resolution and agree to transmit a proposed Education Element to DCA for review, which can be done concurrently with the Comprehensive Land Use Amendment.

City Attorney Jan K. Seiden read the resolution by title.

Councilman Youngs moved to adopt the resolution. Councilman Best seconded the motion, which was unanimously carried on roll call vote (Resolution No. 2008-3400).

10F) Recreation Department Bus and Van Third Party Transportation Requests

Assistant City Manager Gorland stated that the request is related to third party requests to provide transportation using the new Shuttle Bus.

Recommendation No. 1:

Because of the numerous requests for transportation involving the Recreation Department van and/or bus, and because providing third party requested transportation can be construed as charitable in nature, the Administration is proposing that Council be the authority to approve transportation requests in general, but delegate limited authority to the City Manager as follows assuming all conditions are met:

1. The requested transportation is for an isolated or “emergency” one-off situation.
2. A City related activity is involved.
3. All travel is within the City limits.
4. Reimbursement will be paid to the City for out-of-pocket operating costs (gas and personnel costs).
5. The requesting party is a non-profit organization.

Requests for City transportation not meeting all of the above five conditions must be made to Council.

Recommendation No. 2:

The City recently received a transportation request from the “I Smile” program located at the Poinciana Methodist Church that does not meet the above criteria. They have requested transportation, due to their own internal transportation issues, for their program children to be bused to and from the pool once a week for the summer swimming program. “I Smile” is the autistic children program that the aquatic center responded to last summer by asking several of the Water Safety Instructors to become certified to instruct autistic children through the new state certification program. This was a very successful swimming program last summer and the Administration would like to accommodate their transportation needs, without additional fees, each Wednesday through the rest of the summer with pickup at 11:45 a.m. and return about 1:15 p.m.

Assistant City Manager Gorland stated that on numerous occasions there had been requests to provide transportation in both emergency and non-emergency situations. Emergency requests are few and have been granted when possible, such as providing last minute transportation during stormy weather to and from a Recreation sponsored activity.

More often transportation requests are received from local groups including public schools, churches and local organizations to provide transportation involving Recreation Department activities that is not part of the activity itself, and therefore not covered by fees. The bus and van, including driver, cost approximately \$25.00 to \$35.00 per hour to operate in the City. Currently transportation is provided exclusively for Recreation Department programs that include the cost in the fees, such as the pickup service from the schools for students enrolled in the after school program and transporting the summer campers and cheerleaders to special events.

To answer the Mayor’s question, Assistant City Manager Gorland explained that an attempt was made to utilize the Shuttle Bus, but it was almost one-half hour late, which cut the amount of swim time. The kids come to the program on Monday, Wednesday and Friday, and the church provides the transportation, except on Wednesday when the church van is not available.

City Attorney Seiden stated that if Council were to approve the first recommendation, they would be establishing a policy granting the City Manager authority within the specific categories and if any request does not comply it must be approved by Council. Specifically, the second recommendation does not comply so the Administration is requesting approval.

City Manager Borgmann clarified that City personnel would drive the bus; there was a rumor spreading around that the bus was going to be driven by outside groups, which is not the case.

Vice Mayor Garcia moved to approve the recommendations of the Administration for the Recreation Department bus and van third party transportation requests. Councilman Dotson seconded the motion, which was unanimously carried on roll call vote.

10G) Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-032, Portable Storage Units; By Eliminating Specific Fee Amounts and Substituting a Reference to the Schedule of Charges for the Building Department; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that a matter was called to his attention that in the first draft of the ordinance there were two \$50.00 amounts specified that were in conflict with the actual charge of \$100.00, which is in the Building Department fee schedule. The amendment will correct the conflict and reference that any fee amount is included within the Schedule of Charges.

Vice Mayor Garcia moved to approve the ordinance on first reading. Councilman Best seconded the motion, which carried 4-0, with Councilman Youngs absent at roll call.

10H) Recommendation that Council Approve an Expenditure of, not to Exceed \$20,000.00, to Plant Various Trees Throughout the City, with the 2006 Urban Forestry Hurricane Grant, as provided in Section 31.11 (E) (1) and (2) of the City Code, on an “As Needed Basis”, Utilizing North Miami Beach’s Contract # ITB 2006-10, Purchase of Trees and Palms, Granted to Salman Landscaping Services, Inc., Dated September 6, 2007

City Manager Borgmann read the title of the award.

The City Manager stated that the company submitted a letter stating that they will honor the quotes and prices. The quotation is only for \$15,000 and for the additional \$5,000 match they can provide 15 Mahogany, 14 Florida Privet or 13 Live Oak trees.

Vice Mayor Garcia moved the item. Councilman Youngs seconded the motion, which was unanimously carried on roll call vote.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

CEDAP Grant

City Manager Borgmann reported that Chief of Police Dilling and Grant Writer Carol Foster had applied for a Commercial Equipment Direct Assistance Program (CEDAP) grant.

MPO Grant

City Manager Borgmann stated that an announcement was made at the May 22, 2008 Metropolitan Planning Organization (MPO) board meeting that they approved the recommendations of the Municipal Program Committee awarding the City of Miami Springs up to \$16,000 to conduct the N.W. 36th Street district traffic impact study, which will be matched with City funds of \$4,000.00. This study will go toward the traffic element that is required for the amendment to the Comprehensive Land Use Plan.

State Grants

City Manager Borgmann stated that he had not received an official letter from the State regarding the legislative request for \$250,000 for the community center. He did receive notice of an award of \$250,000 through the South Florida Water Management from the Department of Environmental Protection, which requires a match of \$250,000 and reserve funds are available for those purposes.

Annexation

City Manager Borgmann received another letter from Town of Medley Attorney Mel Wolfe requesting information on how Miami Springs feels about annexation and he will provide whatever information they need at the appropriate time.

Fourth of July Festivities

City Manager Borgmann announced that the Fourth of July festivities begin on Thursday, July 3rd with a Car Show at the Circle from 6:00 to 10:00 p.m. The annual parade will begin at 10:00 a.m. on Friday, July 4th in front of the Recreation Center on Westward Drive and proceed to the Circle and down Curtiss Parkway to the Golf Course where there will be water slides, a barbecue, etc. Entertainment will begin at 7:00 p.m. with the fireworks commencing at dusk. This year's Grand Marshall of the parade will be Pastor Albert Schmidt.

12C) City Council

Guest Disk Jockey

Councilman Best recognized City Manager Borgmann who was selected to be the guest disk jockey on Magic 102.7 on Friday, June 20th.

July Recess

Councilman Best wished everyone a good month off in July.

Shuttle Bus

Councilman Dotson asked how many people are riding the Shuttle Bus.

City Manager Borgmann stated that the last report indicated 130 riders for the month May and a few days in June. Friday is the deadline for the “Name the Shuttle” contest and once the name is selected, graphics will be designed for the bus so that it will be easier to identify. The Bus will also be in the Fourth of July Parade and there are plans for the contest winner and their family to ride on the bus with a banner indicating the new name.

Fourth of July

Vice Mayor Garcia wished everyone a happy Fourth of July.

Swimming Program

Vice Mayor Garcia stated that he is elated with the swimming program and the quality of service his kids receive in learning to swim. He is very happy with the program and the improvements to the recreation facilities.

Community Center

Vice Mayor Garcia commented that one question on the Recreation Survey was whether or not residents would pay more for recreation and overwhelmingly the answer was “yes”. As the elected officials, Council represents the people of the community and he feels they are doing the right thing by moving forward with the new Community Center. He said that Council would put the issue to a vote if that is required by the City Charter. He knows the will of the people and he is satisfied to be moving forward thanks to Council and the Administration.

Debris Removal

Vice Mayor Garcia inquired whether or not the City had a contract for hurricane debris removal.

City Manager Borgmann responded that the City had circulated a Request for Proposal (RFP) for the collection, removal and monitoring of debris removal. Last year the City tried to piggy-back on another bid, which is frowned upon by the Federal Emergency Management Agency (FEMA).

Debris Removal

Councilman Youngs stated that the City has a short-term debris staging location.

The City Manager confirmed that the Lowell Dunn family had verbally agreed to allow the City to use their property for debris staging, which is in an area that does not affect the residents. He said that the debris has a potential for fire and the mulching process creates a lot of dust and debris. The location will probably add at least ½ hour turn around time for the truck to go to the site and come back to the City.

Lobbyist

Councilman Youngs emphasized the amazing results of the Legislative Session and the fact that the City was awarded \$250,000 toward the stormwater program and \$250,000 toward the Community Center. He said that Jose Fuentes and The Wren Group did a wonderful job by directing City officials to the right people and highlighting the points in the City's proposals that made it acceptable. It was a very positive venture and selecting The Wren Group made it pay off because \$40,000 in lobbying fees netted \$500,000 in direct cash benefits.

Golf Course

Mayor Bain mentioned that during the airing of the U. S. Open Golf Tournament there was a list shown of the most championships won and it mentioned Sam Sneed in the Miami Open at Miami Springs Country Club. He said that it is important to keep the Golf Course in the best possible condition because it is the pride of the City.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:40 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 8/11/2008.

Transcription assistance provided by S. Hitaffer